

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

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U.S. DISTRICT COURT
N.D. OF ALABAMA

ENTERED

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MAR 14 2001

SUZANNE CLEMENT,

Plaintiff

vs.

STATE OF ALABAMA,

Defendant

Civil Action No.

95-C-2803-W


MEMORANDUM OPINION DENYING CONTESTED ATTORNEYS' FEES

The Court has considered the Defendant's objections to \$15,123.65 of the \$136,000 claimed as attorneys' fees by the Plaintiff for the time spent on the disqualification issue.

The Court finds and concludes that the contested hours are either unrelated to the Motion to Disqualify or more properly attributable to counsel's general trial preparations. The Defendant's objections are therefore due to be sustained.

There is no merit to the Plaintiff's argument that since most of the contested hours were indubitably expended in trial preparations, they should be allowed. Having settled her claim for attorney's fees for time expended on the merits of the case, the Plaintiff is now entitled to recover as a sanction only those hours expended in opposing the Motion to Disqualify.

Done this 13th day of March, 2001.


Chief United States District Judge
U.W. Clemon